

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRICKLAYERS PENSION TRUST FUND -
METROPOLITAN AREA, Trustees of; et al.,

CASE NO. 07-13987

v.

HON. PAUL D. BORMAN

BARO CONTRACTING CORP. and
ORESTE TOLLIS,

Defendants.

SACHS WALDMAN, PROFESSIONAL CORPORATION
GEORGE H. KRUSZEWSKI (P25857)
HOPE L. CALATI (P54426)
Attorneys for Plaintiffs
1000 Farmer Street
Detroit, Michigan 48226
(313) 965-3464

**CONSENT ORDER RE-OPENING CASE
AND ENTRY OF CONSENT JUDGMENT**

Plaintiffs having filed a Notice of Re-Opening Case, together with an Affidavit of Default Under Settlement Agreement under the terms of the Settlement Agreement between Plaintiffs and Defendants (“Settlement Agreement”), and a Consent Order (i) Adding Oreste Tollis as a Defendant, (ii) Dismissing Case Without Prejudice, and (iii) Setting Procedures for Re-Opening of Case and Entry of Consent Judgment having been previously entered by the Court; and the Court being fully advised;

Accordingly, IT IS HEREBY ORDERED AND ADJUDGED:

1. This case is re-opened.

2. Judgment is entered in favor of Plaintiffs and against Defendant Baro Contracting Corp. in the amount of \$161,270.02,¹ plus interest on \$251,583.76² at the rate of five percent per annum from June 1, 2007, and Plaintiffs shall have full rights of execution thereon.

3. Judgment is entered in favor of Plaintiffs and against Defendants Baro Contracting Corp. and Oreste Tollis, jointly and severally, in the amount of \$121,491.13,³ and Plaintiffs shall have full rights of execution thereon.

4. The total Judgment amount of \$282,761.15⁴ plus interest described in paragraph 2 shall be reduced by a credit for all amounts paid by Defendants under the Settlement Agreement.

5. Post-judgment interest will accrue on the amount set forth in paragraph 4, above, as provided for in 28 USC 1961, from the date of entry of this Judgment, and Plaintiffs shall have full rights of execution thereon.

6. Plaintiffs are also awarded attorneys' fees and costs incurred by Plaintiffs in the prosecution of this matter, pursuant to ERISA 502(g)(2), 29 USC 1132(g)(2), and are hereby granted leave to file a Motion for Amended Judgment, which shall be accompanied by an affidavit of Plaintiffs' counsel setting out all amounts determined to be due pursuant to the

¹The \$161,270.02 amount is the sum of fringe benefit contributions for work performed through the work month of April, 2007 (\$251,583.76), the liquidated damages resulting from late payment (\$81,786.94), the liquidated damages resulting from the audit (\$21,669.38), pre-judgment interest (\$8,328.87), less \$80,607.80 received as of October 19, 2007, less the \$121,491.13 amount set forth in paragraph 3.

²The \$251,583.76 amount represents the fringe benefit contributions owing as of June 1, 2007, against which the Funds received payments totaling \$80,607.80 as of October 19, 2007.

³ The \$121,491.13 amount represents contributions owing to the Bricklayers Pension Trust Fund - Metropolitan Area, Bricklayers and Trowel Trades International Pension Fund, and Bricklayers and Trowel Trades International Retirement Savings Plan.

⁴ The \$282,761.15 amount is the sum of the amounts set forth in paragraphs 2 and 3 of this Judgment.

provisions of this Judgment.

7. This court shall retain jurisdiction over this matter for purposes of enforcement of the provisions of this Consent Order and any Judgment entered pursuant to paragraph 6, above.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: June 4, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on June 4, 2008.

s/Denise Goodine
Case Manager